

**LAW OFFICES
OF
WILLIAM L. COWIN
A Professional Corporation
2344 TULARE STREET, SUITE 300
FRESNO, CA 93721-2295**

TELEPHONE: (559) 445-1234

FACSIMILE: (559) 445-0703

January 25, 2017

SUBMITTED VIA E-MAIL ONLY

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD
BOARD ADVISORY TEAM:**

Adam Laputz via e-mail: Adam.Laputz@waterboards.ca.gov

Andrew Deeringer via e-mail: Andrew.Deeringer@waterboards.ca.gov
State Water Board, Office of Chief Counsel

BOARD PROSECUTION TEAM:

David Sholes via e-mail: David.Sholes@waterboards.ca.gov
Senior Engineering Geologist

Susie Loscutoff, Attorney via e-mail: Susan.Loscutoff@waterboards.ca.gov
State Water Board, Office of Enforcement

Re: Baldev S. Batth and Kamaljit K. Batth
Administrative Civil Liability Order R5-2017-XXXX
ACL Complaint R502016-0563
Prior Hearing date: November 3, 2016

APPEAL AND REQUEST FOR RECONSIDERATION

Justice requires that the prior decision that the Batths must pay a penalty of \$35,490 for simply being a few days late in submitting their payment to Kings River Water Quality Coalition ("Kings River") be reconsidered and either withdrawn or, as a minimum, be reasonably reduced.

In or about June 23, 2016, the Batths were informed via telephone that they must sign up with Kings River by July 8, 2016; otherwise a complaint would be filed against them. Mr. Batth does not read or write English well, so Mrs. Batth called Kings River and made arrangements for a meeting. When Mrs. Batth met with Kings River, she attempted to pay the fees with her credit card, but Kings River informed her that they could not accept credit cards and instructed her to mail a check. Mrs. Batth was quite ill for a short time period, but she did mail a check (see copy of the envelope to Kings River attached hereto). At a later date, Mrs. Batth was informed that, because the check was received a few days late, there was going to be a complaint filed. Mrs. Batth did not know there was a date certain regarding the receipt of the check.

The history of this matter is one of miscommunications and misunderstandings which justify a reconsideration of the order issued. Originally, Mr. Batth had the understanding that, since there is no prospect of runoff of water from his property, based on the location of his

property, its sandy characteristic, and the fact that all irrigation is by drip, then it was not necessary for him to join Kings River. In addition, the Batths never received any notices in the mail, because the mail from the Water Board was sent to the wrong address. The mail was sent to 13361 S. Elm, Caruthers, CA 93609. That has not been the Batths' address for more than 30 years. The Batths' business address has been P.O. Box 61, Caruthers, CA 93609 for many years and their home address has been 6839 West Browning, Fresno, CA 993723 for more than six years. (Please refer to the attached envelope to Kings River, Fresno County property tax statements and Ace Property and Casualty Insurance company Crop Summary statement.)

There is no issue over the fact that the Batths did not receive the mail and notifications from the Water Board. As noted above, the first notice the Batths had from the Water Board was the June, 2016 telephone call from the Water Board to Mr. Batth referenced above. If the Appeals Board elects to proceed with agreeing to a portion or all of the penalty assessed, then the math for the assessment needs to be corrected pursuant to the facts. The penalty was assessed based on estimates of farming acreage, presumably based on acreages set forth in the Fresno County tax rolls or the Kings River sign up (See attached). The assessment must be based on acreage actually being irrigated and farmed. The actual farming acreages are precisely measured by the insurance companies issuing crop loss insurance. Attached hereto is the crop summary for the vineyards being farmed by the Batths, which confirms the farming acreage is only 233.7 acres and there are 18 acres of almonds being farmed, not 21 acres. Accordingly, the total acreage being farmed is only 251.7 acres.

It should also be noted that there are two ranches in which the Batths hold only a 50% interest. Mr. Batth's stepmother, Surinder Kaur Batth, holds the remaining 50% interest (See attached tax statements). Nevertheless, the Batths have paid Kings River on the total acreages.

It is important for the reviewing committee to take into account the financial disaster that has fallen on the Thompson grape vineyard farmers (raisins) over the past four years since the Horn case was decided by the U.S. Supreme court (See my August 19, 2016 letter and attachments to Susie Loscutoff). Raisin prices to the farmer have dropped from nearly \$2,000 per ton to about \$1,050 per ton. Raisin farmers have still not been paid for their 2016 crop. Thousands of acres of Thompson grapes have been pushed out as a result, because there is not sufficient income from the raisins to pay the cultural costs. If the reviewing board elects to leave a portion or all of the penalty assessed in place, then it is respectfully requested that the penalty be paid by annual payments of no more than \$5,000.00, with payments due in December, with interest waived provided payments are timely received.

Respectfully submitted,

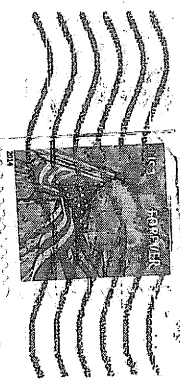


William L. Cowin
Attorney for Baldev S. Batth and Kamaljit K. Batth

Balden S. Bath
P.O. Box 61
Cauithens Ca. 93609

93747-8259

FRESNO CA 936
25 JUL 2016 PM 1 L



King's river water quality coalition
P.O. Box 8259

FARNO CA. 93747

93747-8259



ACE PROPERTY AND CASUALTY INSURANCE COMPANY

Crop Insurance Service By Rain and Hail Insurance Service, LLC.

Policy: MP-0374144 Date: CALIFORNIA 4 Date: 08/21/2016 Page: 1 of 2

For 2016 and succeeding years

SCAN: 61524366275503550027 - 2016

PRODUCER/OWNER INFORMATION

GALDER SINGH BATH
PO BOX 61
CARUTHERS CA 95609-0061

PHONE: 569-304-2248
SMS/TEXT: 569-304-1531
ENTRITY: SPOUSAL

AGENCY INFORMATION

GILL INSURANCE AGENCY
PO BOX 67
CARUTHERS CA 95609-0067

PHONE: 569-304-8900
CODE: 1640-31

mailto:JYOTBANGIL@INSURANCE.NET

I request insurance coverage for my share of the Category B crop except (to age production) specified with a designated country in all added countries where the crops are insurable. -> NO SPOUSAL: BATH, KAMALJIT
PO BOX 61
CARUTHERS CA 95609-0061

AUG 28 2016

COVERAGE

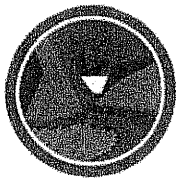
COUNTY	PLAN	CROP	TYPE	CLASS, ETC	OPTION	LEVEL	PRICE	FINAL PLANT DATE	ACRES	LIABILITY	PREMIUM	SUBSIDY	NET PREMIUM	CREDITS	FEES	INTEREST	BALANCE	BILLING DATE
MESQUO	DO	RAISINS				A 75	1,385.00		612.35	854,228	55,848	34,544	22,104	22,704.00	30	570.00		06/01/2016
	APH	GRAPE	13 THAPSOUS			A 75	275.00		272.50	426,124	26,604	17,441	11,160	11,180.00	30			08/15/2016
THAME	APH	GRAPE	THAPSOUS 13			C 50	151.26											08/15/2016
			THAPSOUS 14			C 50	185.00											08/15/2016
<p>944.85 1,275,352 86,246 51,385 33,284 33,894.00 60 670.00</p> <p>THIS IS NOT A BILL</p>																		

LOSS PAYABLE TO ME AND NO OTHERS

2016 MULTIPLE PERIL CROP INSURANCE SUMMARY OF COVERAGE

Line#	Crop	Farm Unit	Farm Number	Interest	County	Legal Description	Approved Yield	Acres Guaranteed	Acres	Plant Date	Total Guarantee	Production Guarantee	Price	Liability	Risk Area	Rate	Premium
5.0	GRAPES																
YLD#	IRRIATED	OU	1.01	13	1,000	MESQUO	27 165.20E	10.0	7.50	97.80	124.39	275.00	20,153	2,625			5,301
14.0	THAPSOUS																
Other Persons Sharing in Crops:																	
Remarks: Unit Description: FAST AVENUE RANCH, Options: Yield Adjustment: Average Yield: 9.7 Yld d limitation, 60% YA Plug																	
6.0	GRAPES																
YLD#	IRRIATED	OU	1.02	13	1,000	MESQUO	22 165.20E	7.5	5.63	108.00	611.70	275.00	148,785	2,625			4,430
25.0	THAPSOUS																
Remarks: Unit Description: HOME RANCH, Options: Yield Adjustment: Average Yield: 7.3 Yld d limitation, 60% YA Plug																	
7.0	GRAPES																
YLD#	IRRIATED	OU	1.03	13	1,000	MESQUO	18 165.20E	10.3	7.73	76.60	197.96	275.00	54,423	2,625			1,428
26.0	THAPSOUS																
Remarks: Unit Description: HIGHWAY 41, Options: Yield Adjustment: Average Yield: 8.5 Yld d limitation, 60% YA Plug																	

INSURED COPY



Kings River Water Quality Coalition

P.O. Box 8259, Fresno, CA 93747 | 559.365.7958 | www.kingsriverwqc.org

**POST
DEADLINE**

2016-17 Membership Application

(Coverage Period: July 1, 2016 – June 30, 2017)

Company _____ Contact Name BALDEV S. BATTI
Mailing Address P.O. Box 61 City, State, Zip Caruthers Ca. 936
Email Address Kamalbatthi@aol.com Phone Number 559-304-2249
916-4502

289

Sum of Irrigated Acreage

Use worksheet on reverse side and provide acreage, APN and county for each parcel.

1242.70

Total Acreage Fee

Multiply irrigated acreage by \$4.30 per acre.

+

\$26.00

Annual Membership Fee

Membership Fee is \$26 per member.

1,268.70

Total Due

Add Total Acreage Fee to the Annual Membership Fee.

The Kings River Water Quality Coalition (Coalition) has been approved by the Central Valley Regional Water Quality Control Board (Regional Board) to serve as a Third Party for administering the terms and conditions of the Irrigated Lands Regulatory Program, as described in the Tulare Lake Basin Waste Discharge Requirements General Order No. R5-2013-120 (the "General Order"). The Coalition has been formed to represent landowners and operators irrigating agricultural lands (Members) under the General Order.

The undersigned hereby elects to become a Member of the Coalition and acknowledges that Membership dues are charged to cover the costs of meeting the requirements of the General Order. The undersigned acknowledges that it is his/her responsibility to know and understand the terms and conditions pertaining to Members contained in the General Order, and that failure to comply with such terms and conditions may subject the Member to removal from the Coalition and/or enforcement action by the Regional Board.

Termination of membership in the Coalition will also be granted 10 days after Coalition receipt of a written notice of membership termination. Upon termination, the landowner/operator will be required to seek alternative coverage under the Irrigated Lands Regulatory Program.

Baldev S. Batti
Signature

7-25-16
Date

Make check payable to: *Kings River Water Quality Coalition*

Return completed Membership Application with payment to: Kings River Water Quality Coalition
P.O. Box 8259
Fresno, CA 93747

Post deadline applicants are required to also apply through the Central Valley Regional Water Quality Control Board. Once we receive your completed application, you will receive additional instructions. For questions regarding this form call 559.365.7958.

Member Name: _____

Assessors Parcel Number (APN)	Irrigated Acreage See below	Check box that applies		Owner or Operator Contact Information (if not same as Member) Name, address, city, state, zip code, phone number
		Member is Owner	Member is Operator See below	
042-350-02 County: <u>Fresno</u>	70	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
042-260-225 County: <u>Fresno</u>	18	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
042-350-035 County: _____	37	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
042-360-045 County: _____	54	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
042-360-175 County: _____	31	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
043-020-010 County: _____	27	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
043-020-735 County: _____	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
043-020-795 County: _____	51	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
TOTAL IRRIGATED ACREAGE (write acreage on front page)	289	Please use additional sheets if necessary.		

Irrigated Acreage - Acreage that is irrigated and used for commercial purposes. Do not include acreage that is covered under a different Regional Board regulatory program (e.g. Dairy General Order). When calculating and reporting irrigated acreage, you may exclude non-irrigated portions of your total parcel acreage. Non-irrigated portions typically include farm roads, county easements, ponds, streams, residential areas, or shop areas.

Operators - Includes lessees, tenant farmers, operating entities, and relatives or other individuals farming on behalf of the owner. If listed, the Operator will be contacted to access the property should the need arise.

Under the new General Order, all Members must notify responsible parties (i.e. non-Member landowners or lessees) of their enrollment in the Coalition and inform them of the requirements of the General Order. Please do so and check the box below.

☐ I certify that I have provided notice to the landowner/lessee of my enrollment in the Coalition and of the requirements of the new General Order.

Member Name:

Assessors Parcel Number (APN)	Irrigated Acreage See below	Check box that applies		Owner or Operator Contact Information (if not same as Member) Name, address, city, state, zip code, phone number
		Member is Owner	Member is Operator See below	
512-030-27	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
County: Fresno				
016-460-77	<input type="radio"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
County: Fresno				
County:				
County:				
County:				
County:				
County:				

TOTAL IRRIGATED
ACREAGE
(write acreage on front page)

0

Please use additional sheets if necessary.

Irrigated Acreage - Acreage that is irrigated and used for commercial purposes. Do not include acreage that is covered under a different Regional Board regulatory program (e.g. Dairy General Order). When calculating and reporting irrigated acreage, you may exclude non-irrigated portions of your total parcel acreage. Non-irrigated portions typically include farm roads, county easements, ponds, streams, residential areas, or shop areas.

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[] I certify that I have provided notice to the landowner/lessee of my enrollment in the Coalition and of the requirements of the new General Order.

DETAIL REPORT

Property Address: **CARUTHERS CA 93609**

Ownership

Parcel# (APN): **042-380-17S**
Parcel Status: **ACTIVE**
Owner Name: **BATTH BALDEV S & KAMALJIT**
Mailing Addr: **P O BOX 61 CARUTHERS CA 93609**
Legal Description: **SUR RT 39.5 AC IN S1/2 OF NE1/4 SEC 27 T**

Assessment

Total Value:	\$224,890	Use Code:	OVIR000	Use Type:	AGRICULTURAL
Land Value:	\$139,286	Tax Rate Area:	070-009	Zoning:	
Impr Value:	\$85,604	Year Assd:	2016	Census Tract:	75.00/3
Other Value:		Property Tax:		Price/SqFt:	
% Improved:	38%	Delinquent Yr:			
Exempt Amt:		HO Exempt:	N		

Sale History

	Sale1	Sale2	Sale3	Transfer
Recording date:				10/29/2004
Recording Doc:				0244373
Doc type:				
Transfer Amount:				
Seller (Grantor):				
1st Trust Dd Amt:				
2nd Trust Dd Amt:				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres: 39.500	Spaces:	Site influence:
Lot SqFt: 1,720,620	Garage SqFt:	Timber Preserve:
Year Built:	Bsmt SqFt: N/A	Ag Preserve:
Effective Year:		

9284471903002125500CC214029700000000US62.1203604



Make Check Payable To:
FRESNO COUNTY TAX COLLECTOR
 2281 TULLANE ST - HALL OF RECORDS - ROOM 100
 P.O. BOX 1192, FRESNO, CALIFORNIA 93715-1192
 PHONE (559) 800 3482 • www.co.fresno.ca.us

BATTH BALDEV S & KAMALJIT K
 BATTH SURRENDER KAUR ETAL
 13361 S ELM
 CARUTHERS CA 93509

043-020-738

2016-17
FRESNO COUNTY
SECURED PROPERTY
TAX BILL
 FISCAL YEAR JULY 1, 2016 thru
 JUNE 30, 2017
 7/1/2016 THRU 6/30/2017

FRESNO COUNTY SECURED PROPERTY TAXES
 Detach and return this stub with your 1st payment

043-020-738
 2016-17

DUPLICATE TAX BILL

1ST INSTALLMENT	2ND INSTALLMENT	TOTAL TAX
184.50	184.50	369.00

LAND	IMPROVEMENTS	PERSONAL PROPERTY	EXEMPTION
25,640	7,261		
NET TAXABLE VALUE	PERSONAL PROPERTY ACCT.	PEST CONTROL VALUE	
32,901			

123 W MOUNTAIN VIEW CARUTHERS	54.000
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DUPLICATE TAX BILL	
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SPECIAL ASSESSMENTS	VALUE BASE	RATE/\$100	AMOUNT
FR COUNTYWIDE TAX		1.000000	329.00
CARUTHERS 2010 A		0.010310	3.38
CARUTHERS USD 17 B		0.041232	13.56
ST COLL 2002 2007A		0.011724	.56
ST COLL 02 3 09A		0.000492	.14
ST COLL 03 5 09B		0.000540	.16
STATE CC 2012 REP		0.002562	.84
STATE CCC 15 REF		0.003172	1.04
TOTAL TAX RATE		1.066022	
CIS GROUND WATER	6		20.32

FRESNO COUNTY SECURED PROPERTY TAXES
 Detach and return this stub with your 2nd payment

043-020-738
 2016-17

DUPLICATE TAX BILL

2

123 W MOUNTAIN VIEW CARUTHERS
 BATTH BALDEV S & KAMALJIT K
 BATTH SURRENDER KAUR ETAL

123 W MOUNTAIN VIEW CARUTHERS
 BATTH BALDEV S & KAMALJIT K
 BATTH SURRENDER KAUR ETAL

IF PAID BY APRIL 10, 2017 ▼ PAY THIS AMOUNT
 DELINQUENT 2ND \$ 212.94
 IF PAID BY DEC 10, 2016 ▼ PAY THIS AMOUNT
 DELINQUENT 1ST \$ 184.50

THE SECOND INSTALLMENT CANNOT BE PAID BEFORE FIRST INSTALLMENT



TO PAY TOTAL AMOUNT DUE, RETURN BOTH STUBS WITH PAYMENT
 OF
 www.co.fresno.ca.us

A0430207380000000016204170000001845000000212947

A0430207380000000016112160000001845000000202947

Bathh ACL Complaint R5-2016-0563
Revenue Estimate for 2015

Data Sources:
2015 Fresno County Crop Report

Assumptions:
98.8 percent of APN 042-260-22S produces almonds
78.6 percent of remaining parcels produces grapes

Revenue from Grapes:	339	acres	0.78624	acres in crops	1.83	tons grapes acre	\$	1,600	=	\$	780,415.53
Revenue from Almonds:	21	acres	0.9881	acres in crops	1	tons almonds acre	\$	6,300	=	\$	130,725.00
Total Estimated Revenue							\$	911,141			

**LAW OFFICES
OF
WILLIAM L. COWIN
A Professional Corporation
2344 TULARE STREET, SUITE 300
FRESNO, CA 93721-2295**

TELEPHONE: (559) 445-1234

FACSIMILE: (559) 445-0703

August 19, 2016

SENT VIA E-MAIL AND U.S. MAIL

Susie Loscutt
Office of Enforcement
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814-2828
e-mail: ~~Loscutt, Susan@Waterboards~~

Susan.Loscutt@Waterboards.Ca.gov

Re: Baldev S. Batth Properties
389 Acres, Caruthers, CA
Batth Offer for Settlement with Central Valley Regional Water Quality Control Board

Dear Ms. Loscutt:

I have known the Batth Family for many years. I was raised in Caruthers and until recently farmed property in Caruthers within a couple of miles from the Batth family's farm.

As you are probably aware, the Batths have joined and are in good standing in all respects with the Kings River Water Quality Coalition. Some of the Batth Family property is open ground and not being farmed. Most of their property is planted to vineyard and irrigated via drip irrigation.

Mr. Batth has authorized me to submit a proposed compromise regarding the penalty for his delay in signing up regarding the Central Valley Regional Water Quality Control Board. You are probably aware of the fact that, based on the Supreme Court rulings in the "Horn case" regarding the Raisin Bargaining Association, etc., raisin growers are experiencing hard times. Growing costs keep increasing, but raisin prices to the growers are decreasing since the Supreme Court ruling. Mr. Batth has, in the past, been able to count on his processor, National Raisin Company, to provide financing to assist with the cultural and harvest costs, but that is no longer available (see attached letter from national Raisin Company).

Mr. Batth proposes to pay \$5,000 as and for a full settlement of the penalty for the late sign up issue. Please keep in mind that Mr. Batth does not read English well and was unaware that he needed to sign up for anything, because all of his land is very sandy, is level, and is irrigated via drip. There is no prospect for water runoff regarding Mr. Batth's property.

Please give consideration to the Batth family request for a settlement. I will look forward to your response.

Very truly yours,

William L. Cowin

William L. Cowin

WLC/ac
enclosure
cc: Batth Family



P.O. BOX 219 • FOWLER, CA 93625 USA
TEL: (559) 834-5981 • FAX: (559) 834-1055
sales@nationalraisin.com
www.nationalraisin.com

August 19, 2016

Baldev Batth
PO Box 61
CARUTHERS, CA 93609

Re: 2016 Harvest Advances

Dear Mr. Batth,

National Raisin Company is not offering advances for harvest this year. If you have any questions, feel free to reach out.

Kind Regards,

A handwritten signature in black ink, appearing to read "Phat Phan", is written over a light blue horizontal line.

Phat Phan

Director of Grower Relations



SHAWN HUBLER Sacramento Bee file

Falling commodity prices and water shortages have depressed farmland values up to 30 percent in the Central Valley, according to agriculture lender Rabobank.

Farmland loses value as crop prices fall

BY DALE KASLER
dkasler@sacbee.com

Farmland values are tumbling in California's Central Valley, reflecting a drop in key commodity prices as well as concerns over water shortages and the state's enduring drought.

A study released Wednesday by agricultural lender Rabobank N.A. says the price of farmland

in parts of the Valley will decline by as much as 30 percent by the end of 2017, following several years of substantial gains.

The drop follows declines in the prices farmers are getting for important crops such as almonds and walnuts.

Almond prices, for instance, have fallen by around 50 percent in the past year and are dragging land values down with them. Values for almond orchards in Tulare Coun-

ty, one of the top almond-growing counties in the state, are expected to fall from an average of \$34,500 per acre in 2015 to \$26,000 by the end of next year, a decline of nearly 25 percent.

Rabobank economists Roland Fumasi and Vernon Crowder, who co-wrote the study, said the drought is playing a role, too: Land values are dropping more severely in parts of the state, particularly in the San Joaquin Valley, where water shortages are most acute.

"The areas that have water challenges tend to have a bigger hit," Fumasi said in an interview.

Vineyard prices, meanwhile, are holding up better. Prime vineyards in Napa County, worth an average of \$310,000 per acre last year, are expected to grow slightly in value by next year.

Dale Kasler: 916-321-1066,
@dakasler